



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,777	06/12/2001	Peter S. Hong	X0105B	4159

7590 06/08/2004  
JAMES J. RALABATE  
5792 MAIN STREET  
WILLIAMSVILLE, NY 14221

EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 06/08/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/879,777

Applicant(s)

HONG ET AL.

Examiner

Fritz Alphonse

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Objections*

2. Claims 1-11 are objected to because of the following informalities: numbers 1-11 identify the claims should be written at the beginning of the claims. See example below.

Example:

1. A mobile body supported computer comprising: a computer.... Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins (U.S. Pat. No 5,719,744) in view of Quintana (U.S. Pat. No. 6,522,531).

As to claims 1 and 7, Jenkins (figs. 3, 4) discloses a mobile body supported computer (1) including a computer housing (2), a heat insulating grille (i.e., ribbed side vent or heat sink 13), hands-free activation means (see column 6, lines 57-58) and means for supporting said computer housing by a user (col. 3, lines 15-18); said computer housing comprising substantially all of the components of a conventional computer (col. 2, lines 31-34). Jenkins teaches the housing (2)

Art Unit: 2675

having outside surfaces (10) that when in use at least a portion (e.g. belt 45) are closest to the body of the user (col. 2, lines 54-55. col. 3, lines 16-18, col. 7, lines 1-2). Jenkins teaches that the sides of the computer housing are ribbed or louvered to permit heat to be dissipated from the interior of the housing; see col. 3, lines 18-21.

Jenkins does not disclose an integral battery with casing, which is at least partially constructed of a thermally non-conducting material.

However, in the same field of endeavor, Quintana (fig. 1) discloses a hands-free activation apparatus for using a wearable personal computer having a battery wherein the casing is constructed of a thermally non-conducting material (col. 2, lines 27; col. 6, lines 64 through col. 7 line 12).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have added a battery with thermally non-conducting material as disclosed by Quintana to Jenkins' device. By doing so, protective battery casing would prevent thermal runaway and would cause the force from any potential explosion of battery to be directed away from the body of a user (col. 7, lines 15-20 of Quintana).

As to claims 3-5, 9-11, Jenkins (figs. 3, 4) discloses a computer, wherein the housing comprises means in said computer housing for internal connection to a member selected from the group consisting of an IrDA transceiver (col. 2, line 40), cell phones, power supply, keyboard (col. 6, line 56) as recited in claims 3 and 9. Jenkins teaches that "connectors 24 and 3 are used in this mobile computer 1 to connect to a headset or display means and to power sources and, when needed, to a keyboard" (see col. 6, lines 54-56). It would have been obvious to one of ordinary skill in the art that the connector (24 and 3) of Jenkins can connect to mouse because it

Art Unit: 2675

can connect to any other desirable component as suggested by Jenkins (see column 5, lines 25-29).

5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Quintana as applied to claim1 above, and further in view of Wong (U.S. Pat. No. 6,509,657).

As to claims 2 and 8, Jenkins does not disclose a "hot-swappable integral battery". However, Wong (fig. 1) teaches about an integral battery backup unit for supplying backup power to a computer, wherein the battery pack (16) is a hot-swappable Smart Battery (col. 5, lines 1-4; see col. 5, lines 16-20).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have added a hot-swappable battery as disclosed by Wong to Jenkins' device. Doing so would provide backup battery power to the power supply unit in the event that there is a loss of power (col. 2, lines 2-6).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Quintana as applied to claim1 above, and further in view of Newman (U.S. Pat. No. 5,844,824).

As to claim 6, Jenkins does not teach about hands-free activation means consisting of eye-tracking activation means. However, this limitation is disclosed by Newman (see col. 3, lines 2-20).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to improve upon the hands-free computer system, as disclosed by Newman. By doing so, the system concept of eye-tracking permits the operator to manipulate the computer

Art Unit: 2675

completely hands-free by tracking the eye and interpreting its movements as mouse commands to the application (col. 3, lines 13-16).

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wessling, III (U.S. Pat. No. 5,774,338) discloses a body integral electronics packaging.

Toyosato et al. (U.S. Pat. No. 6,304,459) disclose a Mobile computer.

Mitchell et al. (U.S. Pat. No. 6,356,437) disclose a system for providing portable maintenance support instruction system.

Sutton et al. (U.S. Pat. No. 6,426,872) disclose a portable pen-based computer with vehicular docking station.

Nakanishi et al. (U.S. Pat. No. 6,282,089) disclose a portal computer cooling method and computer holder.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:** (703) 308-9051, (for formal communications intended for entry)

**Or:**

Art Unit: 2675

(703)308-6606 for informal or draft communications, please label

"PROPOSED" or "DRAFT"

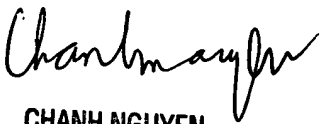
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.

Sixth Floor (Receptionist).

  
F. Alphonse

Art Unit: 2675

May 25, 2004

  
CHANH NGUYEN  
PRIMARY EXAMINER